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	First Named Inventor	Bahram G. Kermani
	Art Unit	2176
	Examiner Name	Rachna Singh
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Date	September 27, 2005	Reg. No.	47,006

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FREE TRANSMITTAL
For FY 2005☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 500.00)

Complete if Known

Application Number	09/487,522
Filing Date	January 19, 2000
First Named Inventor	Bahram G. Kermani
Examiner Name	Rachna Singh
Art Unit	2176
Attorney Docket No.	Y0242-00205

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FEE CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent	50	25
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent	200	100
Multiple dependent claims	360	180

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims	Fee (\$)	Fee Paid (\$)
_____ - 20 or HP = _____ x _____ = _____				_____		

HP = highest number of total claims paid for, if greater than 20

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
_____ - 3 or HP = _____ x _____ = _____			

HP = highest number of independent claims paid for, if greater than 3

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
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4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other: Appeal Brief

Fees Paid (\$)

\$500.00

SUBMITTED BY

Signature	<i>Joseph A. Powers</i>	Registration No. (Attorney/Agent)	47,006	Telephone	215.979.1842
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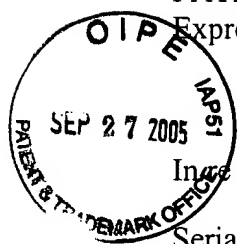
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PATENT

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[Kermani-43]



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor application of: **Bahram G. Kermani**

Examiner: **Rachna Singh**

Serial No.: **09/487,522**

Group Art Unit: **2176**

Filed: **January 19, 2000**

Confirmation No.: **3260**

For: **METHOD AND SYSTEM FOR
ABSTRACTING ELECTRONIC
DOCUMENTS**

Pursuant to 37 CFR §1.10, I hereby certify that this document is being deposited with the United States Postal Service on the date shown below with sufficient postage as "Express Mail Post Office to Addressee" Mailing Label Number EV 669827000 US to the following: Mail Stop Appeal Brief- Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

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APPEAL BRIEF

Pursuant to 37 CFR 1.192, Applicant hereby submits this appeal brief. The appeal brief is being timely submitted under 37 CFR 1.192(a), the date of the Notice of Appeal being at the earliest its filing date of August 9, 2005. The appeal brief is being submitted in triplicate.

Respectfully Submitted,

A handwritten signature in black ink, reading "Joseph A. Powers".

Joseph A. Powers, Registration No. 47,006

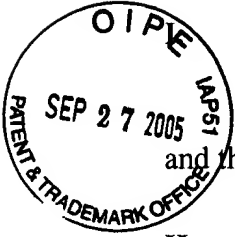
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Real Party in Interest

The real party in interest is Lucent Technologies, Inc., present owner of the application and the invention described therein.

II. Related Appeals and Interferences

There are no related appeals or interferences.

III. Status of Claims

Although the Final Official Action dated May 12, 2005 states that claims 1, 3-9, 11-16, 18, 19, 22-23, 25-26 and 28-38 are pending and rejected, it is noted that claims 1, 3-9, 11-16, 18, 19, 22-23, 25-26, 28-32 and 37-42 are pending and are understood to be rejected.

IV. Status of Amendments

There are no pending amendments or amendments submitted herewith.

V. Summary of the Invention

Applicant's invention relates to a method of and system for abstracting electronic documents, for example, electronic mail, news releases, text books, encyclopedias, articles, studies, and novels, to name a few. An exemplary system is shown in FIG. 1, and an exemplary method is illustrated by FIGS. 2 and 4 and described in the specification at, for example, Page 7, second full paragraph through the end of Page 9. A user is prompted to select an abstracted version of the electronic document (30b, 44b, 55b) to be created from a plurality of abstracted versions available to be created. (Step 200, FIG. 2) Responsive to a selection by the user of the abstracted version to be created, the system creates the selected abstracted version of the electronic document by executing a set of instructions (30cb, 44cb, 55cb) corresponding to the electronic document, wherein the instructions are, before the abstracted version is selected by the user, customized to the electronic document, the customization comprising a plurality of weights pre-assigned to respective portions of the electronic document to enable creation of the plurality of abstracted versions. (Step 220, FIG. 2; FIG. 4) The system then outputs the abstracted version (30d, 44d, 55d) of the electronic document in a predetermined format. (Step 230, FIG. 2).

VI. Issues

Whether claims 1, 3-9, 11-16, 18, 19, 22-23, 25-26, 28-32 and 37-42 are properly rejected under 35 U.S.C. § 103 as being obvious from U.S. Patent No. 6,289,304 to Grefenstette (hereinafter, “Grefenstette”) in view of U.S. Patent No. 6,789,230 to Katariya et al. (hereinafter, “Katariya”).

VII. Grouping of Claims

With respect to the sole grounds for rejection, i.e., the obviousness rejection of claims 1, 3-9, 11-16, 18, 19, 22-23, 25-26, 28-32 and 37-42, claims 1, 3-9, 11-16, 18, 19, 22-23, 25-26, 28-32 and 37-42 are presented as a first group. The claims of this group, however, do not stand or fall together and are believed to be separately patentable as argued below.

VIII. Argument

Claims 1, 3-9, 11-16, 18, 19, 22, 23, 25, 26, 28-32 and 37-42 have been rejected as being obvious from Grefenstette in view of Katariya. A claim is obvious under §103 only if the prior art references “teach or suggest all of the claim limitations.” MPEP 2142 (citing *In re Vaeck*, 947 F.2d 488 (Fed. Cir. 1991)). Applicant submits that the Examiner has failed to establish a *prima facie* case of obviousness because the combination of Grefenstette and Katariya fails to teach or suggest each feature of the claims, as argued below.

A. Claims 1, 3-9, 11-16, 18, 19, 22, 23, 25, 26, 28-32 and 40-42

Using claim 1 as representative of independent claims 1, 9, 11 and 23, claim 1 is directed to a method of abstracting electronic documents where the user can select from a plurality of different abstracted versions of an electronic document that can be created, i.e., a number of abstracted versions can be created from a single electronic document. Once the user has selected an abstracted version to be created, a set of instructions corresponding to the electronic document is executed to create the version selected by the user. Importantly, the instructions are customized to the electronic document before the user makes the selection of the abstracted version to be created. In the claimed method, the customization includes a plurality of weights that are pre-assigned to respective portions of the electronic document to enable creation of the plurality of versions of the electronic document.

Put another way, a set of instructions exists that has been customized to the electronic document, e.g., weights have been pre-assigned to respective portions of the document, before the user is prompted to select a version of the document to be created. Assigning different weights to respective portions of the electronic document allows for creation of multiple versions of the electronic document. Executing the instructions in a first manner, e.g., maintaining only sections having weights that match a first subset of weights, produces a first version of the electronic document. Executing the instructions in a second manner, e.g., maintaining only sections having weights that match a second subset of weights, produces a second version of the electronic document, and so on. The user is allowed to pick from several different versions of the electronic document, which can be created by executing the instructions in a manner that corresponds to the abstracted version selected by the user.

Grefenstette teaches instructions that are not “customized” in anyway to a specific electronic document. Each summarization rule taught by the Grefenstette is clearly generic in nature, i.e., the rules are grammatical rules generally applicable to any electronic document, such as maintaining only proper names, or maintaining only subjects and object nouns. (Column 9, Lines 43-59). By “customized” in the Applicant’s claims, it is meant that the rules are made specifically for the electronic document, i.e., they are not generally or universally applicable to all documents. The Examiner’s repeated assertion that anytime a rule is used on a document, it becomes “customized” to the electronic document is not consistent with Applicant’s use of “customized” nor with its use in the context of the claims, i.e., that the customization occurs before the abstracted version is selected by the user. Nor is the Examiner’s use of customized consistent with the ordinary meaning of the term. The Examiner refers to the application of a rule to a document as being a unique application of that rule for that document. However, since the rule is always the same, no matter to what document it is applied, it cannot be said that the rule itself is customized.

Though Applicant disagrees with the Examiner as to whether Grefenstette’s instructions are “customized” to the electronic document, the Examiner has conceded that the Grefenstette rules are clearly not “customized to” the electronic document “before said abstracted version is selected by the user.” Therefore, the Examiner relies on Katariya for this missing feature.

Katariya discloses a method and system for generating a summary of a document. A first algorithm calculates a weight for each of the sentences in the document, and a second algorithm

generates a summary of the electronic document. Specifically, Katariya assigns a weight to a sentence based on the term frequency of a component term. (See Katariya, col. 5, line 20-25). In FIG. 2 of Katariya, the summary algorithm then evaluates each possible set of eligible sentences and selects the set of sentences whose length is less than the maximum length set for the summary and whose total weight is the greatest. In steps 202-211, each sentence of a document is examined to determine whether the binary length of the sentence is greater than the maximum allowed length (step 209) and whether the weight of the sentence is greater than the maximum sentence weight (step 210). The process loop is carried out until all sentences of a given document have been examined (step 203).

Importantly, the summary algorithm executed by Katariya after the sentences are assigned weights allows for the creation of **only one summary version** of the document because the algorithm operates in the same manner each time, with respect to a given document, to create an abstracted document that does not exceed a pre-defined length and has the greatest weight. The method for abstracting documents disclosed by Katariya, therefore, does not teach or suggest the step of creating the abstracted version of the electronic document selected by the user from a plurality of abstracted versions of the electronic document that could be created. Katariya also does not teach or suggest a set of instructions that are **customized** to the electronic document before the user selects the abstracted version to be created where the customization includes a plurality of weights that are pre-assigned to respective portions of the electronic document to enable creation of the plurality of abstracted versions of the electronic document. In summary, the Katariya user does not and cannot select between different versions of a document to be created (because such version cannot be created), nor does Katariya disclose a process that can use the assigned weights to create different versions, let alone a version selected by the user.

The Examiner's proposed combination does not allow both (1) the selection between multiple versions to be created from the electronic document and (2) that a version specifically selected by the user can be created using a customized set of instructions comprising pre-assigned weights to portions of the electronic document as required by Applicant's independent claims. This is because the Examiner relies on Katariya for teaching a weighting scheme, but Katariya does not teach an abstraction routine that can create more than one version of an electronic document using the assigned weights. Grefenstette cannot fill this void even if

Grefenstette permits selection between creation of multiple versions of an electronic document because it does not teach abstraction based on pre-assigned weights.

From the foregoing, the combination of Grefenstette and Katariya does not teach or suggest the prompting and creating steps of amended claim 1. It follows that independent claim 1, and independent claims 9, 16 and 23, which recite features that parallel claim 1, are not obvious from Grefenstette in view of Katrina, and are therefore allowable over the art of record. It is submitted that claims 3-8, 11-15, 18-19, 22, 25-26, 28-32 and 40-42, which depend from the independent claims, are also allowable for at least the reasons set forth above.

B. Claims 37-38, 39 and 41

Independent claims 37 and 38 are directed to a method of and system for abstracting electronic documents, respectively. Claims 37 and 38 recite features similar or identical to independent claim 1 discussed above, and further recite that each abstracted version from the plurality of versions of the electronic document is associated with a respective subset of individual weights from the plurality of weights assigned to the electronic document, and that executing the set of instruction includes the step of comparing a subset of individual weights associated with the selected abstracted version to the weights assigned to the respective portions of the electronic document to remove portions of said electronic document.

Katariya, which teaches a methodology that can create only a single version of an electronic document, neither teaches nor suggests using assigned weights for portions of the electronic document in a manner that enables creation of a plurality of different versions of the electronic document, and creating a particular version of the electronic document selected by the user by comparing a subset of the individual weights associated with the selected version to the weights pre-assigned to the respective portions of electronic document to remove portions of the electronic document. Put another way, Katariya does not teach a methodology where subsets of weights assigned to an electronic document are each associated with different versions of the electronic document that can be created. It follows that combining the teaching of Katariya with those of Grefenstette, which does not teach an abstraction method based on pre-assigned weights, does not provide the method and system claimed in independent claims 37 and 38.

For at least these reasons, it follows that independent claim 37 and independent claim 38, which recites features that parallel claim 37, are not obvious from Grefenstette in view of Katariya, and are therefore independently allowable over the art of record.

Claims 39 and 41 depend from independent claims 1 and 23, respectively, and recite, similar to claims 37 and 38, that the executing step includes identifying a subset of said plurality of weights, said subset associated with the abstracted version to be created, and removing portions of said electronic document based on said subset. As discussed above, the methodology of Katariya allows for creation of only a single version of an electronic document. It follows that Katariya does not identify a subset of weights that are “associated with the abstracted version to be created” where, as defined in the independent claims, the abstracted version to be created is selectable from a plurality of possible versions that could be selected by the user to be created. For at least this reason, it is submitted that claims 39 and 41 are also independently allowable over the art of record.

C. Claims 40 and 42

Claims 40 and 42 depend from claims 1 and 23, respectively, and recite that, prior to the prompting step, the user selects a set of instructions for abstracting the electronic document from a plurality of sets of instructions for abstracting the electronic document. Importantly, (1) each of the sets of instructions is customized, before selection thereof, to the electronic document and (2) each of the sets of instructions is configured to enable creation of a plurality of different abstracted versions of the electronic document. As shown in FIG. 1, multiple customized instruction sets can exist for selection by the user. For example, different persons could each create a different set of instructions for abstracting an electronic document, e.g., a scientific article. Each person can have a different opinion as to how respective portions of the electronic document can be grouped to create multiple different abstracted versions of the electronic document and assign weights accordingly. Each person could make his or her particular instruction set available on his or her respective server, for example. The user can then locate one of these instruction sets. After locating and selecting the instruction set, the user is prompted to select one of the possible versions of the electronic document that can be created using the selected set of instructions and the version is created. Such a system and method are very flexible and allow for any number of instructions sets to be created by any number of

individuals, where each individual instruction set itself is capable of creating multiple versions of the electronic document. Certainly, no such system is taught or suggested by the combination of Grefenstette and Katariya. Tellingly, the Examiner's rejection of claims 40 and 42 appears to repeat the substance of the rejection of the independent claims but does not address these additional features recited in claims 40 and 42. For at least these reasons, it is submitted that claims 40 and 42 are independently allowable over the art of record.

APPENDIX A

1. (previously presented) A method of abstracting an electronic document comprising the following steps:
 - prompting a user to select an abstracted version of the electronic document to be created from a plurality of abstracted versions available to be created;
 - responsive to a selection by the user of the abstracted version to be created, creating the selected abstracted version of the electronic document by executing a set of instructions corresponding to the electronic document, wherein the instructions are, before said abstracted version is selected by the user, customized to the electronic document, the customization comprising a plurality of weights pre-assigned to respective portions of the electronic document to enable creation of said plurality of abstracted versions; and
 - outputting the abstracted version of the electronic document in a predetermined format.
2. (canceled)
3. (previously presented) The method of claim 1, wherein the set of instructions further comprise a description of at least one abstracted version capable of being created by executing the set of instructions.
4. (original) The method of claim 1, wherein the set of instructions are attached to the electronic document.
5. (original) The method of claim 1, wherein the set of instructions comprise instructions for removing grammatical articles.

6. (original) The method of claim 1, wherein the set of instructions comprise instructions for removing grammatical adverbs.

7. (original) The method of claim 1, wherein the set of instructions comprise instructions for removing grammatical adjectives.

8. (original) The method of claim 1, wherein the set of instructions comprise instructions for contracting verb clauses.

9. (previously presented) A computer-readable medium encoded with a computer program code for directing a processor to abstract an electronic document, the medium comprising:

a first code segment for prompting a user to select an abstracted version of the electronic document to be created from a plurality of abstracted versions available to be created;

a second code segment for creating, responsive to a selection by the user of the abstracted version to be created, the selected abstracted version of the electronic document by executing a set of instructions corresponding to the electronic document, wherein the instructions are, before said abstracted version is selected by the user, customized to the electronic document, the customization comprising a plurality of weights pre-assigned to respective portions of the electronic document to enable creation of said plurality of abstracted versions; and

a third code segment for outputting the abstracted version of the electronic document in a predetermined format.

10. (canceled)
11. (original) The computer-readable medium of claim 9, wherein the set of instructions are attached to the electronic document.
12. (original) The computer-readable medium of claim 9, wherein the set of instructions comprise instructions for removing grammatical articles.
13. (original) The computer-readable medium of claims 9, wherein the set of instructions comprise instructions for removing grammatical adverbs.
14. (original) The computer-readable medium of claim 9, wherein the set of instructions comprise instructions for removing grammatical adjectives.
15. (original) The computer-readable medium of claim 9, wherein the set of instructions comprise instructions for contracting verb clauses.
16. (previously presented) A computer data signal embodied in a carrier wave encoded with computer program code for directing a processor to abstract an electronic document comprising:
 - a first code segment for prompting a user to select an abstracted version of the electronic document to be created from a plurality of abstracted versions available to be created;

a second code segment for creating, responsive to a selection by the user of the abstracted version to be created, the selected abstracted version of the electronic document by executing a set of instructions corresponding to the electronic document, wherein the instructions are, before said abstracted version is selected by the user, customized to the electronic document, the customization comprising a plurality of weights pre-assigned to respective portions of the electronic document to enable creation of said plurality of abstracted versions; and

a third code segment for outputting the abstracted version of the electronic document in a predetermined format.

17. (canceled)

18. (original) The computer data signal of claim 16, wherein the set of instructions are attached to the electronic document.

19. (previously presented) The computer data signal of claim 16, wherein the set of instructions comprise instructions for removing grammatical articles, removing grammatical adverbs, removing grammatical adjectives, or a combination thereof.

20-21. (canceled)

22. (original) The computer data signal of claim 16, wherein the set of instructions comprise instructions for contracting verb clauses.

23. (previously presented) A system for abstracting an electronic document comprising:

means for prompting a user to select an abstracted version of the electronic document to be created from a plurality of abstracted versions available to be created;

means for creating, responsive to a selection by the user of the abstracted version to be created, the selected abstracted version of the electronic document by executing a set of instructions corresponding to the electronic document, wherein the instructions are, before said abstracted version is selected by the user, customized to the electronic document, the customization comprising a plurality of weights pre-assigned to respective portions of the electronic document to enable creation of said plurality of abstracted versions; and

means for outputting the abstracted version of the electronic document in a predetermined format.

24. (canceled)

25. (original) The system of claim 23, wherein the set of instructions are attached to the electronic document.

26. (previously presented) The system of claim 23, wherein the set of instructions comprise instructions for removing grammatical articles, removing grammatical adverbs or a combination thereof.

27. (canceled)

28. (original) The system of claim 23, wherein the set of instructions comprise instructions for removing grammatical adjectives.

29. (original) The system of claim 23, wherein the set of instructions comprise instructions for contracting verb clauses.

30. (previously presented) The computer-readable medium of claim 9, wherein the set of instructions further comprise a description of at least one abstracted version capable of being created by executing the set of instructions.

31. (previously presented) The computer data signal of claim 16, wherein the set of instructions further comprise a description of at least one abstracted version capable of being created by executing the set of instructions.

32. (previously presented) The system of claim 23, wherein the set of instructions further comprise a description of at least one abstracted version capable of being created by executing the set of instructions.

33-36. (canceled)

37. (previously presented) A method of abstracting an electronic document comprising the following steps:

prompting a user to select an abstracted version of the electronic document to be created from a plurality of abstracted versions available to be created;

responsive to a selection by said user of the abstracted version to be created, creating the selected abstracted version of the electronic document by executing a set of instructions, wherein the instructions are, before said abstracted version is selected by said user, designed specifically for the content of the electronic document, the set of instructions comprising an assignment of individual weights from a plurality of weights to respective portions of the electronic document, wherein each abstracted version from the plurality of versions of the electronic document is associated with a respective subset of individual weights from the plurality of assigned weights, the executing step comprising comparing a subset of individual weights associated with the selected abstracted version to the weights assigned to the respective portions of the electronic document to remove portions of said electronic document; and

outputting the abstracted version of the electronic document in a predetermined format.

38. (previously presented) A system for abstracting an electronic document comprising:

means for prompting a user to select an abstracted version of the electronic document to be created from a plurality of abstracted versions available to be created;

means, responsive to a selection by said user of the abstracted version to be created, for creating the abstracted version of the electronic document by executing a set of instructions, wherein the instructions are, before said abstracted version is selected by said user, designed specifically for the content of the electronic document, the set of instructions comprising an assignment of individual weights from a plurality of weights to respective portions of the

electronic document, wherein each abstracted version from the plurality of versions of the electronic document is associated with a respective subset of individual weights from the plurality of assigned weights, the executing step comprising comparing a subset of individual weights associated with the selected abstracted version to the weights assigned to the respective portions of the electronic document to remove portions of said electronic document; and

means for outputting the abstracted version of the electronic document in a predetermined format.

39. (previously presented) The method of claim 1, wherein said executing step comprises identifying a subset of said plurality of weights, said subset associated with said selected abstracted version to be created, and removing portions of said electronic document based on said subset.

40. (previously presented) The method of claim 1, wherein prior to said prompting step, said user selects a set of instructions for abstracting said electronic document from a plurality of sets of instructions for abstracting the electronic document, each of said sets of instruction being customized, before selection thereof, to said electronic document, each of said sets of instructions configured to enable creation of a plurality of different abstracted versions of said electronic document.

41. (previously presented) The system of claim 23, wherein said executing step comprises identifying a subset of said plurality of weights, said subset associated with said

selected abstracted version to be created, and removing portions of said electronic document based on said subset.

42. (previously presented) The system of claim 23, wherein prior to said prompting step, said user selects a set of instructions for abstracting said electronic document from a plurality of sets of instructions for abstracting the electronic document, each of said sets of instruction being customized, before selection thereof, to said electronic document, each of said sets of instructions configured to enable creation of a plurality of different abstracted versions of said electronic document.